

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KE'MON CHAPMAN, on behalf of himself and
others similarly situated,

Plaintiff,

- against -

CITY WINERY NY – PIER 57, LLC,

Defendant.

Case No.: 23-CV-2778

**NOTICE OF MOTION
FOR RECONSIDERATION
PURSUANT TO LOCAL CIVIL
RULE 6.3**

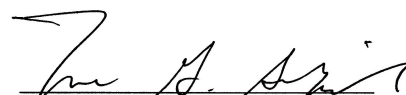
PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the Declaration of Paul J. Rutigliano and exhibits attached thereto, and all other proceedings had herein, defendant City Winery NY-Pier 57, LLC (“Defendant”) hereby moves this Court, before the Honorable Lorna G. Schofield, United States District Judge, for an Order pursuant to Local Rule 6.3 of the United States District Courts for the Southern and Eastern Districts of New York, granting reconsideration the Court’s November 30, 2023 Opinion and Order denying Defendant’s partial motion to dismiss, and dismissing Plaintiff Ke’Mon Chapman’s wage statement claim brought under New York Labor Law § 195(3), as set forth in the Fourth Claim for Relief in the Second Amended Complaint.

Dated: New York, New York
December 14, 2023

Application **DENIED**. “A party may move for reconsideration and obtain relief only when the party identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Cho v. Blackberry Ltd.*, 991 F.3d 155, 170 (2d Cir. 2021) (cleaned up). Defendant has identified none here. Upon reviewing additional case law after the November 1, 2023, conference, the Court concluded that denying the partial motion to dismiss is the correct decision. The motion for reconsideration is also denied on the merits for the reasons stated in the Dkt. 68 Opinion.

The Clerk of Court is respectfully directed to close the motion at Dkt. 69.

Dated: February 20, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE